

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GE TRANSPORTATION (SHENYANG)
CO., LTD.,

Petitioner,

V.

A-POWER ENERGY GENERATION
SYSTEMS, LTD.,

Respondent.

CASE NO.: 1:15-CV-6194

**ORDER TO SHOW CAUSE FOR EX PARTE
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION,
ORDER OF ATTACHMENT AND EXPEDITED DISCOVERY**

Upon the Petition and Memorandum in Support of Petition of GE Transportation (Shenyang) Co., Ltd. (“GET Shenyang”), the Declarations of Linda L. Miller, Esq. and Joseph L. Clasen, Esq., and the accompanying Memorandum of Law in Support of Petitioner’s Application for an *Ex Parte* Temporary Restraining Order, Preliminary Injunction, Order of Attachment and Expedited Discovery, and upon good cause shown, it is hereby:

ORDERED, that the Temporary Restraining Order entered on September 14, 2015 is hereby extended to 3 p.m. on October 2, 2015; and

IT IS FURTHER ORDERED, that Respondent (“A-Power”), its alter ego, Jinxiang Lu, Head Dragon Holdings Limited and Asia New Energy Group Limited and/or their respective attorneys show cause before this Court, in Courtroom 1305, at 40 Centre Street, New York, New York 10007-1312 on the 2nd day of October, 2015, at 2:00 p.m. of that day, or as soon thereafter as counsel can be heard, why, pursuant to Fed. R. Civ. P. 26, 64, & 65, the following orders should not be entered:

- 1) a temporary restraining order enjoining Respondent, A-Power Energy Generation Systems, Ltd.'s ("A-Power") and its alter ego, Jinxiang Lu, as well as anyone acting in concert with them, from transferring, dissipating or otherwise disposing of or diminishing in value any of their assets wherever they are located, whether in its own name or not, and whether solely or jointly owned, or *directly or indirectly controlled*;
- 2) a preliminary injunction freezing \$476,700,190.49 (\$359,997,368.50 in principal, plus \$116,702,821.99 in accrued interest), of assets belonging to A-Power, Jinxiang Lu, Head Dragon Holdings Limited, Liaoning GaoKe Energy Group Company Limited, Liaoning GaoKe (High-Tech) Energy Saving and Thermo-electricity Design Research Institute, Liaoning International Construction and Engineering Group Limited, Shoulong Energy Co., Ltd., Shenyang Power Group Ltd., EVATECH Co., Ltd., Easy Flow Limited, Shenyang (Jinxiang) Gold Luck Electric Power Equipment Co., Ltd., Shenyang (Ruixiang) Lucky Wind Power Equipments Co., Ltd., Shenyang Longxiang Wind Power Technologies Limited, and Shenyang Yixiang Wind Power Equipment Limited, and freezing ¥54,000,000.00¹ of assets belonging to Asia New Energy Group Limited;
- 3) an order of attachment against A-Power Energy Generation Systems, Ltd., Head Dragon Holdings Limited, and Jinxiang Lu in the amount of \$476,700,190.49, and an order of attachment against Asia New Energy Group Limited in the amount of \$8,467,865.28. (¥54,000,000.00); and
- 4) an order granting expedited discovery.

IT IS FURTHER ORDERED, that until 3 p.m. on October 2, 2015, A-Power and its alter ego, Jinxiang Lu, as well as anyone acting in concert with them, are hereby temporarily restrained from transferring, dissipating or otherwise disposing of or diminishing in value any of

¹ As of the date of this filing, ¥54,000,000.00 equals \$8,467,865.28.

their assets wherever they are located, whether in its own name or not, and whether solely or jointly owned, or *directly or indirectly controlled*; and

IT IS FURTHER ORDERED, that until 3 p.m. on October 2, 2015, all assets of A-Power, Jinxiang Lu, Head Dragon Holdings Limited, Liaoning GaoKe Energy Group Company Limited, Liaoning GaoKe (High-Tech) Energy Saving and Thermo-electricity Design Research Institute, Liaoning International Construction and Engineering Group Limited, Shoulong Energy Co., Ltd., Shenyang Power Group Ltd., EVATECH Co., Ltd., Easy Flow Limited, Shenyang (Jinxiang) Gold Luck Electric Power Equipment Co., Ltd., Shenyang (Ruixiang) Lucky Wind Power Equipments Co., Ltd., Shenyang Longxiang Wind Power Technologies Limited, Shenyang Yixiang Wind Power Equipment Limited, and Asia New Energy Group Limited be frozen; and

IT IS FURTHER ORDERED, that until 3 p.m. on October 2, 2015, GET Shenyang shall be granted leave to conduct discovery of any and all assets located in New York belonging to A-Power, Jinxiang Lu, Head Dragon Holdings Limited, Liaoning GaoKe Energy Group Company Limited, Liaoning GaoKe (High-Tech) Energy Saving and Thermo-electricity Design Research Institute, Liaoning International Construction and Engineering Group Limited, Shoulong Energy Co., Ltd., Shenyang Power Group Ltd., EVATECH Co., Ltd., Easy Flow Limited, Shenyang (Jinxiang) Gold Luck Electric Power Equipment Co., Ltd., Shenyang (Ruixiang) Lucky Wind Power Equipments Co., Ltd., Shenyang Longxiang Wind Power Technologies Limited, Shenyang Yixiang Wind Power Equipment Limited, and Asia New Energy Group Limited; and

IT IS FURTHER ORDERED, that GET Shenyang or its attorneys shall effect service of a copy of this Order and supporting papers by serving same on the Ministry of Justice, International Legal Cooperation Center, 6 Chaoyangmen Nandajie, Chaoyang District, Beijing, P.C. 100020, People's Republic of China, in accordance with Articles 2 through 7 of the Hague Convention, which shall be deemed good and sufficient service and notice thereof; and

IT IS FURTHER ORDERED, that A-Power, Jinxiang Lu, Head Dragon Holdings Limited, Liaoning GaoKe Energy Group Company Limited, Liaoning GaoKe (High-Tech) Energy Saving and Thermo-electricity Design Research Institute, Liaoning International Construction and Engineering Group Limited, Shoulong Energy Co., Ltd., Shenyang Power Group Ltd., EVATECH Co., Ltd., Easy Flow Limited, Shenyang (Jinxiang) Gold Luck Electric Power Equipment Co., Ltd., Shenyang (Ruixiang) Lucky Wind Power Equipments Co., Ltd., Shenyang Longxiang Wind Power Technologies Limited, Shenyang Yixiang Wind Power Equipment Limited, and Asia New Energy Group Limited shall file with the Court and serve any answering papers by overnight FedEx delivery service and email on GET Shenyang's Counsel, Joseph L. Clasen, 666 Third Avenue, New York, New York 10017, jclasen@rc.com on Wednesday, September 30, 2015 by 5 p.m.

The above Orders are made to address and prevent the irreparable injuries described, and issued without notice for the reasons stated, by the Court on the record at the hearing held on September 18, 2015.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 18, 2015, at 4 p.m.
New York, New York